

than household goods, or in non-contiguous domestic trade, as a part of a continuous intermodal movement.

(g) The Commission may not exercise its authority under this section (1) to authorize intermodal ownership that is otherwise prohibited by this title, (2) to relieve a carrier of its obligation to protect the interests of employees as required by this subtitle, (3) to relieve a motor carrier of property or other person from the application or enforcement of the provisions of sections 10706, 10761, 10762, 10927, and 11707 of this title, or (4) to exempt a motor carrier of property from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage; insurance; antitrust immunity for joint line rates and routes, classification of commodities (including uniform packaging rules), uniform bills of lading, or standardized mileage guides; or safety fitness.¹

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1361; Pub. L. 96-448, title II, § 213, Oct. 14, 1980, 94 Stat. 1912; Pub. L. 103-311, title II, § 205(a), (c)(1), Aug. 26, 1994, 108 Stat. 1683, 1684.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
10505	49:12(1)(b).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 12(1)(b); added Feb. 5, 1976, Pub. L. 94-210, § 207, 90 Stat. 42.

In subsection (a), the words “by order” and “in such order” are omitted as surplus. The word “unreasonable” is substituted for “undue” for consistency. See the revision note for section 10101 of the revised title.

In subsection (b), the words “Secretary of Transportation” are substituted for “Secretary” for clarity.

In subsection (d), the words “after notice” are omitted as unnecessary in view of subchapter II of chapter 5 of title 5.

AMENDMENTS

1994—Pub. L. 103-311, § 205(c)(1), inserted “and motor carrier” after “rail carrier” in section catchline.

Subsec. (a). Pub. L. 103-311, § 205(a)(1), inserted “, or a motor carrier providing transportation of property other than household goods, or in non-contiguous domestic trade,” after “rail carrier providing transportation” in introductory provisions.

Subsecs. (a)(1), (d). Pub. L. 103-311, § 205(a)(2), inserted “section 10101 or” before “section 10101a”.

Subsec. (f). Pub. L. 103-311, § 205(a)(3), inserted “, or a motor carrier providing transportation of property other than household goods, or in non-contiguous domestic trade,” after “rail carrier”.

Subsec. (g)(3), (4). Pub. L. 103-311, § 205(a)(4), added cls. (3) and (4).

1980—Subsec. (a). Pub. L. 96-448 substituted provision authorizing the Commission to grant an exemption when the Commission finds that application of a provision of this subtitle is not necessary to carry out the transportation policy of section 10101a of this title or is not needed to protect shippers from abuse of market power for provision authorizing the Commission to grant an exemption when the Commission finds that application of a provision of this subtitle is not necessary to carry out the transportation policy of section 10101 of this title, would be an unreasonable burden on a person, class of persons, or interstate or foreign commerce, and would serve little or no useful public purpose.

Subsec. (b). Pub. L. 96-448 struck out provision authorizing the Commission to specify the period of time

during which the exemption is effective. See subsec. (c) of this section.

Subsec. (c). Pub. L. 96-448 substituted provision authorizing the Commission to specify the period during which the exemption is effective for provision authorizing the Commission to revoke an exemption, to the extent it specifies, when it finds that application of a provision of this subtitle to the person, class, or transportation is necessary to carry out the transportation policy of section 10101 of this title, to achieve effective regulation by the Commission, and to serve a useful public purpose.

Subsec. (d). Pub. L. 96-448 substituted provision authorizing the Commission to revoke an exemption, to the extent it specifies, when it finds that application to a provision of this subtitle to the person, class, or transportation is necessary to carry out the transportation policy of section 10101a of this title for provision authorizing the Commission to act under this section only after an opportunity for a proceeding.

Subsecs. (e) to (g). Pub. L. 96-448 added subsecs. (e) to (g).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-448 effective Oct. 1, 1980, see section 710(a) of Pub. L. 96-448, set out as a note under section 10101 of this title.

SUBCHAPTER II—MOTOR CARRIER TRANSPORTATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 10102, 10328, 10329, 10330, 10341, 10342, 10502, 10543, 10544, 10701, 10702, 10703, 10704, 10705, 10706, 10721, 10722, 10723, 10724, 10725, 10730, 10733, 10735, 10741, 10762, 10766, 10767, 10921, 10922, 10923, 10924, 10927, 10930, 10931, 10932, 10933, 10934, 10935, 11101, 11106, 11107, 11109, 11110, 11111, 11142, 11143, 11323, 11342, 11343, 11344, 11345a, 11501, 11502, 11503a, 11504, 11702, 11705, 11706, 11707, 11711, 11712, 11901, 11904, 11905, 11908, 11909, 11910, 11914, 11917, 30103, 30166, 31503, 32706 of this title; title 15 section 5904.

§ 10521. General jurisdiction

(a) Subject to this chapter and other law, the Interstate Commerce Commission has jurisdiction over transportation by motor carrier and the procurement of that transportation, except by a freight forwarder (other than a household goods freight forwarder), to the extent that passengers, property, or both, are transported by motor carrier—

(1) between a place in—

(A) a State and a place in another State;

(B) a State and another place in the same State through another State;

(C) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

(D) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

(E) the United States and a place in a foreign country to the extent the transportation is in the United States; and

(2) in a reservation under the exclusive jurisdiction of the United States or on a public highway.

(b) This subtitle does not—

(1) except as provided in sections 10922(c)(2),¹ 10935, 10936, 11501(e), and 11501(h) of this title,

¹ So in original.

¹ See References in Text note below.

affect the power of a State to regulate intrastate transportation provided by a motor carrier;

(2) except as provided in sections 10922(c)(2)¹ and 11501(e), authorize the Commission to prescribe or regulate a rate for intrastate transportation provided by a motor carrier;

(3) except as provided in section 10922(c)(2)¹ of this title, allow a motor carrier to provide intrastate transportation on the highways of a State; or

(4) except as provided in section 11503a and section 11504(b) of this title, affect the taxation power of a State over a motor carrier.

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1361; Pub. L. 96-296, § 31(b), July 1, 1980, 94 Stat. 824; Pub. L. 97-261, § 6(f), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99-521, § 6(a), Oct. 22, 1986, 100 Stat. 2994; Pub. L. 103-305, title VI, § 601(b)(2)(C), Aug. 23, 1994, 108 Stat. 1606; Pub. L. 103-311, title II, § 211(b)(1), Aug. 26, 1994, 108 Stat. 1689.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
10521(a) (words before cl. (1)).	49:302(a), 303(a)(10) (20 words before proviso), (11) (1st sentence, words between 1st comma and comma before cl. (A)).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §§ 202(a), 203(a)(10) (less proviso), (11) (less last sentence), (c) (words between 6th and 7th commas); added Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543, 544; Sept. 18, 1940, ch. 722, § 17(a), 54 Stat. 920; Sept. 1, 1950, ch. 835, § 1(b), 64 Stat. 574; July 22, 1954, ch. 563, § 1, 68 Stat. 526; Aug. 22, 1957, Pub. L. 85-163, § 1(2), 71 Stat. 411.
10521(a)(1) (A), (B).	49:303(a)(10) (through 1st comma).	
10521(a)(1) (C)–(E).	49:303(a)(11) (1st sentence, less words between 1st comma and comma before cl. (A)).	
10521(a)(2) ..	49:303(c) (words between 6th and 7th commas).	
10521(b)	49:302(b)(1).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 202(b)(1); added Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543; Sept. 18, 1940, ch. 722, § 17, 54 Stat. 920; Sept. 6, 1965, Pub. L. 89-170, § 2, 79 Stat. 648; Dec. 23, 1970, Pub. L. 91-569, § 2(a), 84 Stat. 1500.
	49:316(e) (proviso).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 216(e) (proviso); added Aug. 9, 1935, ch. 498, § 1, 49 Stat. 558.

In the introductory matter of subsection (a), before clause (1), the words “Subject to this chapter and other provisions of law” are inserted to inform the reader that other sections of the chapter and subtitle qualify the grant of jurisdiction to the Interstate Commerce Commission under the section. The words “the Interstate Commerce Commission has jurisdiction over” are substituted for “The provisions of this chapter apply to” and “the regulation of such transportation, . . . is vested in the Interstate Commerce Commission” for clarity and to eliminate redundancy. The words “and providing facilities for” are omitted as being included in the definition of “transportation” applicable to the subtitle. The words “to the extent that passengers, property, or both, are transported by motor carrier” are substituted for “whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water” to eliminate surplus words and because of the Commission’s jurisdiction over transportation by motor carrier, and the term

“motor vehicle” is a defined term incorporated into the definition of “motor carrier”.

In subsection (b), the words “This subtitle does not . . . authorize the Commission” are substituted for “That nothing in this chapter shall empower the Commission” in 49:316(e) for consistency and because of the restatement of the source provisions. The word “exclusive” is omitted as unnecessary. The words “intrastate transportation” are substituted for “intrastate commerce” for consistency. The words “for any service connected therewith” are omitted as surplus because the eliminated words are included in the word “transportation”. The word “rate” is substituted for “rate, fare, or charge” because of the definition of “rate” in section 10102 of the revised title. The words “for the purpose of removing discrimination against interstate commerce or for any other purpose” are omitted as unnecessary because of the restatement of the source provisions. The words “to provide intrastate transportation” are substituted for “to do intrastate business” for clarity and consistency. The words “over a motor carrier” are inserted for clarity.

REFERENCES IN TEXT

Section 10922(c)(2) of this title, referred to in subsec. (b)(1) to (3), was redesignated section 10922(d)(2) of this title by Pub. L. 103-311, title II, § 207(a)(1), Aug. 26, 1994, 108 Stat. 1686.

AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103-311 inserted “10936,” after “10935.”.

Pub. L. 103-305 substituted “11501(e), and 11501(h)” for “and 11501(e)”.

1986—Subsec. (a). Pub. L. 99-521 inserted “. except by a freight forwarder (other than a household goods freight forwarder),” after second reference to “transportation”.

1982—Subsec. (b)(1). Pub. L. 97-261, § 6(f)(1), inserted “except as provided in sections 10922(c)(2), 10935, and 11501(e) of this title,” before “affect”.

Subsec. (b)(2). Pub. L. 97-261, § 6(f)(2), inserted “except as provided in sections 10922(c)(2) and 11501(e),” before “authorize”.

Subsec. (b)(3). Pub. L. 97-261, § 6(f)(3), inserted “except as provided in section 10922(c)(2) of this title,” before “allow”.

1980—Subsec. (b)(4). Pub. L. 96-296 inserted “section 11503a and” after “as provided in”.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 601(d) of Pub. L. 103-305 provided that: “This section [amending this section and sections 11501, 40102, and 41713 of this title and enacting provisions set out as a note under section 11501 of this title] and the amendments made by this section shall take effect on January 1, 1995; except that with respect to the State of Hawaii the amendment made by subsection (c) [amending section 11501 of this title] shall take effect on the last day of the 3-year period beginning on the date of the enactment of this Act [Aug. 23, 1994].”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-521 effective 60 days after Oct. 22, 1986, see section 15 of Pub. L. 99-521, set out as a note under section 10102 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-261 effective on 60th day after Sept. 20, 1982, see section 31(a) of Pub. L. 97-261, set out as a note under section 10101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10101, 10522, 10530, 11506, 31501, 31502 of this title.

§ 10522. Exempt transportation between Alaska and other States

To the extent that transportation by a motor carrier between a place in Alaska and a place in